



FAIR POLITICAL PRACTICES COMMISSION

128 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-3660 • Fax: (916) 322-0886

June 3, 2010

Mr. Dan Secord
Secord for Supervisor 2010

REDACTED

Mr. Gordon McKay, CPA
Secord for Supervisor 2010

REDACTED

Warning Letter Re: FPPC No. 10/469; Secord for Supervisor 2010; Dan Secord; Gordon McKay, Respondents

Dear Messrs Secord and McKay:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a complaint filed against you that you failed to accurately identify yourself in your committee's name on a mass mailing and that you failed to file an initial Statement of Organization (Form 410) relative to your current supervisory campaign.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you utilized an identification number attributable to your prior Santa Barbara city council campaign that had been terminated, and that a mailer you sent failed to properly identify your committee as the sender.

¹The Political Reform Act is contained in Government Code sections 81000 through 81014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18100 through 18900 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

The Act provides that a statement of organization filed by a candidate must contain such things as the full name and office sought by the candidate, the name and address of the financial institution where the committee has established a bank account, as well as the bank account number. (Section 84101.) Further, with respect to a controlled committee, the committee's name must include the candidate's full name, office sought and year of the election. (Regulation 18402(c)(2).) Additionally, you were required to establish a separate controlled committee and bank account for your Second for Supervisor 2010 committee. You may only redesignate a committee and bank account if the future election is for the same elective office. (Regulation 18521.)

Your actions violated the Act because you failed to include the year of the election in the name of your committee and failed to file an initial Statement of Organization (Form 410) for the new committee. Additionally, since the committee name lacked the year of the election, a campaign mailing you sent out failed to contain that information. Since I instructed you by phone how to rectify the filing of your Statement of Organization, and any recipient of your mailing knew who the sender was, we are closing this matter without further action.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW:jt
cc: Ms. Mary Rose